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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,489	08/01/2003	Andres Uriel Gallego Henao	066440-011	5149
7590	06/18/2004		EXAMINER	
McDERMOTT, WILL & EMERY Suite 3400 2049 Century Park East Los Angeles, CA 90067			PECHHOLD, ALEXANDRA K	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Re*  
**Office Action Summary**

Application No.	Applicant(s)	
10/633,489	HENAO, ANDRES URIEL GALLEG	
Examiner	Art Unit	
Alexandra K Pechhold	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 August 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) \_\_\_\_\_ is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Briody (US 1,685,562).**

Regarding claims 1 and 4, Briody discloses a pavement system comprising a plurality of distributor plates, seen as a continuous concrete slab roadway (1) divided into panels (2), which overlie support soil, natural terrain or non-native materials, since support soil and terrain of some kind will obviously be located somewhere under a roadway, the roadway (1) having reinforced concrete elements disclosed as the concrete slab (see claim 1 and Figs. 1 and 2).

Regarding claims 2 and 3, a stiffener framework cooperating with the distributor plates and having longitudinal and cross elements can be viewed as the truss bars (4) seen in Fig. 1 (Col 2, lines 65-95).

Regarding claim 5, a stiffening element as recited can be viewed as plate (2) seen in Fig. 2.

Regarding claim 8, Briody discloses a roadway (1), which therefore has a traffic surface, and discloses reinforced concrete, since Briody discloses concrete in claim 1

and discloses the use of truss bars (4) in column 2, lines 65-95 for reinforcement as seen in Fig. 1.

Regarding claim 9, Briody discloses a plurality of concrete diaphragms, seen as the panels of the roadway (1) (Col 1, lines 49-52, see Fig. 1), which are reinforced with steel rods seen as the truss bars (4) in Fig. 1.

Regarding claims 10 and 11, road elements, such as curbs, ditches, berms, canals or spillway structurally integrated with the reinforced concrete diaphragm would be any of the underlying or adjacent natural terrain around the roadway (1) of Briody when it is in place.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Briody (US 1,685,562) as applied to claim 4 above, and further in view of Mutter (GB 2,130,275).** Briody fails to specifically disclose what lies beneath the concrete roadway. Mutter teaches a temporary roadway made of prefabricated slabs which can be laid directly on the terrain, even though a base is preferred, but not required. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pavement system of Briody to overlie the natural terrain or layers of non-native materials without bases or sub-bases as taught by Mutter, since

Mutter states on page 1, lines 25-29 that an object of such a roadway is to provide access to an area without forming a permanent road and without the risk of vehicles becoming stuck or requiring assistance in poor weather conditions.

5. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Briody (US 1,685,562).** Briody fails to specifically disclose the size of the roadway (1) being at least 100 meters, but recites in claim 1 that the roadway is a continuous concrete slab. Briody does disclose expansion joints, contraction joints, and structural joints, which can be viewed as plates (2) and truss bars (4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pavement system of Briody to be at least 100 meters, since Briody states in claim 1 that the roadway is a continuous concrete slab, which implies an expansive distance.

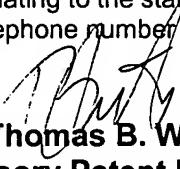
### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

  
Thomas B. Will  
Supervisory Patent Examiner  
Group 3600